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U.S. Fish and Wildlife Service
Division of Fisheries and Habitat Conservation
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Dear U.S. Fish and Wildlife Service:

The Maryland Ornithological Society appreciates the opportunity to present its comments on the Draft Voluntary Wind Energy Guidelines. We compliment the USFWS on addressing this vexing issue, as wind power has already been amply documented to inflict significant bird and bat kills. Please consider these comments to be part of the public record.

We are most concerned about the voluntary nature of these guidelines. In a perfect world where values and goals are the same voluntary data and evaluation of the potential for adverse effects for these systems makes sense. However, it has been our experience that the wind industry has shown a lack of transparency, which does not bode well to their meeting voluntary guidelines with alacrity. The wind industry's goals are somewhat different than those of the citizens of Maryland and therefore making important data collection regarding the direct and indirect effects of construction and operation of wind turbines voluntary may result in poor decisions regarding our important natural resources. In the state of Maryland, the public has been excluded from comment on some wind energy projects by law, and researchers have been barred from wind energy sites after bird and bat kills in West Virginia and Pennsylvania. A industry trade association has, in fact, already declared its opposition to these voluntary guidelines. 1 It is our feeling that if these guidelines are to be complied with, they must be mandatory.

We call for all bird protection to be explicitly stated in the mandatory standards, where they cannot be easily overlooked or ignored.

Pre-construction studies should not be less than one year, as bird occurrence varies over the course of the year and a limited sample of just a few months will not provide an accurate assessment of the impact of wind turbine construction and operation. Longer term studies of two to three years should be required for higher risk areas, as bird populations tend to be very mobile and can change from year to year. Under no circumstances should data be extrapolated from one site to another, as there are too many intangibles that cannot be assumed to exist between one site and another. Studies should not be considered to be equivalent to mitigation or compensation. A mere study will not protect or restore a population impacted by wind power.

We do approve of the five-tier approach requiring consultation with USFWS at each stage, but ask that USFWS stipulate what it will do to ensure at each stage that a project will not be sited in an area that will pose a substantial threat to bird life.

We support “adaptive management” and call for the use of the use of the DOI Adaptive Management Technical Guide.

We support the consideration of noise on wildlife, as it has been demonstrated to cause abandonment of nesting sites. We also support strong policies regarding “take” of eagles and for habitat conservation plans. Likewise, the chain of command should be maintained when responding to developer complaints to obviate political interference, that would be likely with a centrally-appointed “czar” to handle such complaints.

More specifically, we call for mandatory buffer zones of 3-5 miles from sage-grouse leks and 2 mile buffers for prairie-chicken leks, as contained

in Federal Wind Turbine Guidelines Advisory Committee recommendations

Habitat Fragmentation and cumulative effects should be considered at tiers 1 and 2, before they can have an impact, rather than at tier 5, when the facility has already been built and causing impacts.

Compensation for bird kills and habitat loss should be required from all operators. These should include losses from turbine and power line collisions, and habitat abandonment. Requirement of compensation in “some circumstances” is inadequate and subject to abuse. Specifics should be provided regarding compensation.

Avian and Bat Protection Plans should be required for all facilities, to minimize take. All these facilities will have an impact, and should address the take issue.

If there is reason to believe that endangered bird or bat species are present, a Take Permit should be required. Under the present guidelines, application for a Take Permit is voluntary.

Finally, given the expansion of power lines needed to facilitate wind power development, wind farm operators should be required to follow the Avian Power Line Interaction Committee (APLIC) guidelines, and collisions with power lines are inevitable.

MOS is a statewide nonprofit organization established in 1945 and devoted to the study and conservation of birds. Currently we have 15 chapters and approximately 1,500 members. Some are scientists and naturalists, but our membership includes people of all ages and all walks of life, from physicists to firefighters, legislators to landscapers. Birding is one of the fastest growing types of outdoor recreation. MOS members travel to national forests on birding and nature-watching vacations throughout the United States. We spend money on food, lodging, guide

services, books, and souvenirs to support the local economy wherever we go.

Thank you for consideration of these views, and we hope that they will be incorporated in the final document.

1.American Wind Energy Association, "Statement on Interior's proposed wildlife guidance for wind turbines." February 15, 2011. http://www.americanwindenergyassociation.net/rn_release_02-15-11.cfm

Sincerely,

Kurt R. Schwarz
Conservation Chair
Maryland Ornithological Society